

REMARKS

The Examiner objected to claims 6, 11, and 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter. Accordingly, Applicant has added new claims 21-23. New claim 21 is claim 6 rewritten in independent form including all of the limitations of claim 1 and claim 5. New claim 22 is claim 11 rewritten in independent form including all of the limitations of claim 1 and claim 8. New claim 23 is claim 12 rewritten in independent form including all of the limitations of claim 1 and claim 8. Claims 6, 11 and 12 are canceled. Claims 1- 5, 7-10, and 13-20 and new claims 21-23 are pending in this application.

The Examiner provisionally rejected claims 1-5, 7-10 and 13-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 10, 13-17, 19, and 20 of copending Application No. 10/798,157 (App. '157) in view of Koibuchi *et al.* (4,722,883).

Applicant presents arguments *infra* for traversing the rejection of claims 1-20 under the judicially created doctrine of obviousness-type double patenting.

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Obviousness-Type Double Patenting

The Examiner rejected claims 1 and 13 under judicially created Obviousness-Type

Double Patenting, stating:

Claims 1 and 13 of App.'157 teaches present claims 1 and 13 except for the present second polymer (c). The use of polyhydroxystyrene resin is well known in the art for improving resistance of a photoresist composition to dry etching as evidenced by Koibuchi, col.4, lines 51-56. Since the method of claim 14 of App.'157 comprises the step of etching, **it is the Examiner's position that it would have been obvious to one of ordinary skill in the art to add a polyhydroxystyrene resin into the photoresist composition of claims 1 and 13 of App.'157 in order to improve resistance of the photoresist composition to dry etching as taught by Koibuchi.** The polyhydroxystyrene resin teaches present second polymer (c) because present U can be an arylene group with 6 carbons. Therefore, claims 1 and 13 of App.'157 in view of Koibuchi would render obvious present inventions of claims 1 and 13 (it is the Examiner's position that the resist composition taught by App.'157 in view of Koibuchi would inherently be soluble in an aqueous alkaline developer solution before exposure to the imaging radiation and is insoluble in the aqueous alkaline developer solution after exposure to the imaging radiation) (emphasis added). See the Office Action, page 2, paragraph 2.

Applicant respectfully traverses the Examiner's rejection of present claims 1 and 13 arguing there is no motivation to combine Koibuchi and claims 1 and 13 of Assignee's co-pending U.S.

Patent Application No. 10/798,157 (App. '157) to modify claims 1 and 13 of App. '157.

The Examiner relies on Koibuchi and claims 1 and 13 of Assignee's co-pending U.S. Patent Application No. 10/798,157 (App. '157) to teach or suggest adding **"a polyhydroxystyrene resin into the photoresist composition of claims 1 and 13 of App.'157 in order to improve resistance of the photoresist composition to dry etching as taught by Koibuchi"** (emphasis added). See *Id.* Applicant respectfully submits that the Examiner erred in combining Koibuchi and claims 1 and 13 of App. '157 because there is no reason to modify claims 1 and 13 of App. '157 by adding the polyhydroxystyrene resin of Koibuchi since the photoresist composition of 10/820,117

claims 1 and 13 of App. '157 already provide a high etch resistance. See App. '157 Specification, page 29, lines 16-17 (stating "The resist compositions of the present invention are generally characterized in that the product resist structures have high etch resistance."). In other words, resist structures from using the photoresists of claims 1 and 13 of App. '117 already have high etch resistance.

Applicant respectfully asserts that modifying claims 1 and 13 of App. '157 by adding polyhydroxystyrene as allegedly taught by Koibuchi is an improper combination because the Examiner does not state nor does Koibuchi teach or suggest that the polyhydroxystyrene as allegedly taught by Koibuchi would improve resistance of the photoresist composition of claims 1 and 13 of App. '117 to dry etching as taught by Koibuchi, in light of the fact that claims 1 and 13 of App. '117 claim and Koibuchi teach photoresists having different chemistry.

Accordingly, Applicant maintains that claims 1 and 13 are not obvious over App. '157 in view of Koibuchi, and therefore further maintain that an obviousness-type double patenting rejection of claims 2-12 and 14-20 is improper using the same reasoning as Applicant used to overcome the Examiner's rejection of claims 1 and 13, *supra*.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0458.

Date: 3/11/05

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